



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,072	06/02/2000	Bernd Andreas Edler	Edler 1-4	5463

7590 02/11/2004

Kevin M Mason
Ryan & Mason LLP
1300 Post Road
Suite 205
Fairfield, CT 06430

EXAMINER

HAN, QI

ART UNIT	PAPER NUMBER
2654	15

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/586,072

Applicant(s)

EDLER ET AL.

Examiner

Qi Han

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: applicant's arguments (paper 14, page 3-5, regarding rejection(s) under USC 35 103(a)) are not persuasive, based on the rejection submitted and the prior art recited in final (see detail in claim rejections in the final office action). In response to applicant's argument (regarding independent claims 1, 13, 20, 25 and 30-33) that the prior arts "do not disclose or suggest said adaptive filter producing a filter output signal and having a magnitude response that approximates an inverse of the masked threshold" (Paper 14, page 3, lines 21-24), the examiner has a different view of the prior art teachings and the claim interpretations, even though applicant provide more explanation (Paper 14, page 4). As stated in the final office action, the prior art (Srinivasan) discloses "adaptive filter" and suggests affecting "magnitude response" of the filter (see rejection in previous office action regarding claim 1). Srinivasan further teaches that "the filter bank structure adapts according to the signal-dependent noise-masking threshold information" (page 1089, right column, second paragraph), which clearly discloses adaptive filter and inherently suggests the effect to the output of magnitude; shows (see Fig. 1) that the input of the filter bank also enters into psychoacoustic model that changes (inherently) parameters and/or internal states of the filter bank, so that the magnitude of the output of sub-band of the filter bank is "adaptive"; and teaches "the magnitude values of the frequency domain representation are converted to a critical band representation" and "it is a convex combination of the noise-masking-tone and the tone-masking-noise thresholds" (page 1087, left column, paragraph 4), which inherently suggests that the higher masking threshold, the lower value of the output magnitude needs to be encoded, which is interpreted as the claimed "that approximates an inverse of masked threshold". In a broader view, the basic goal to use psychoacoustic model to control the filter is to reduce inaudible data output, in which the magnitude with high masking threshold should obtain high attenuation, so that the filter magnitude response has an inversed effect, which is broadly interpreted as the claimed "approximates an inverse of masked threshold".

In response applicant's argument regarding disclosure and claim objections (paper 14, page 2, lines 19-31), examiner withdraws the disclosure objection and claim objection regarding claim 7, as applicant requested, because applicant made amendment and/or correction.